

STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Kareemah Lucas,
County of Essex

Classification Appeal

CSC Docket No. 2021-684

ISSUED: JUNE 7, 2021 (EG)

Kareemah Lucas appeals the reclassification date provided in the Division of Agency Services' (Agency Services) October 28, 2020 determination her request for a classification review.

By way of background, in letter dated June 3, 2019, the Public Employees Supervisors' Union (PESU) requested a desk audit, filed on behalf of the appellant. It argued that the appellant was performing multiple duties that did not conform with her current title. At the time of this request for classification review, the appellant was serving permanently in the title of Assistant Administrative Family Services Supervisor. The file in this matter indicates that the June 3, 2019 letter was received by Agency Services on June 4, 2019. Thereafter, on July 27, 2020, the appellant received a regular appointment to the title of Administrative Family Services Supervisor.¹ Subsequently on October 28, 2020, Agency Services issued a determination letter of the appellant's classification review finding that the proper classification for her position was Administrative Family Services Supervisor. It also found that since the appellant was already permanent as an Administrative Family Services Supervisor, the classification of her position remained unchanged.

In the present appeal, the appellant asserts that while she agrees with Agency Services' determination of her position, she believes that she should have received a retroactive provisional appointment to the subject title. Specifically, she argues that the PESU had filed a classification request on her behalf before her permanent appointment and that she should be granted an earlier appointment date to the Administrative Family Services Supervisor title. Additionally, the appellant

¹ The appellant received a permanent appointment from the promotional eligible list for Administrative Family Services Supervisor (PC0561A), County of Essex, which promulgated on February 20, 2020.

requests differential back pay for the time period from the retroactive provisional appointment to her regular appointment on July 27, 2020.

CONCLUSION

N.J.A.C. 4A:3-3.9(d) provides that:

In local service, a petition from an employee, union representative, or appointing authority shall be submitted, in writing, to the appropriate representative of the Civil Service Commission. The petition must identify the specific duties that do not conform to the specification for the title and, if the petitioner proposes a different title for the position, an explanation of how that existing title more accurately describes the duties of the position than the current or proposed title. If requested by a representative of the Commission, the petition shall also include a completed position classification questionnaire and an organizational chart. If the petitioner's supervisor has not signed the questionnaire within 15 working days of receipt of the questionnaire from the petitioner, the petitioner may forward the questionnaire to the appropriate representative of the Commission without the supervisor's signature but with a notation of the date of presentation to the supervisor.

Additionally, *N.J.A.C.* 4A:3-3.9(3)ii states that in local service, if an appeal is granted by the Civil Service Commission (Commission), the effective date of implementation shall be the date an appropriate representative of the Commission first received the appeal or reclassification request, or at such earlier date as directed by the Commission.

In the instant matter, the PESU filed a request for a classification review of the appellant's position, which met the requirements set forth in *N.J.A.C.* 4A:3-3.9(d). The request was received by Agency Services on June 4, 2019. Therefore, pursuant to *N.J.A.C.* 4A:3-3.9(3)ii the effective date of implementation of the reclassification as provided in Agency Services' determination letter should be June 4, 2019. Accordingly, the appellant is entitled to a retroactive provisional appointment to the title of Administrative Family Services Supervisor, effective June 4, 2019. Moreover, she is entitled to differential back pay from the retroactive provisional appointment on June 4, 2019 to the date of her regular appointment to the subject title on July 27, 2020.

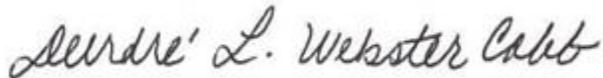
ORDER

Therefore, it is ordered that this appeal be granted, and that Kareemah Lucas' retroactive provisional appointment to Administrative Family Services Supervisor,

effective June 4, 2019 be recorded. It is further ordered that Lucas is entitled to differential back pay from June 4, 2019 to July 27, 2020, the effective date of her regular appointment to the title of Administrative Family Services Supervises.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 2ND DAY OF JUNE, 2021



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Kareemah Lucas
Robert Jackson
Division of Agency Services
Records Center